



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SK/JAM/AFM
F. #2016R02228

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 23, 2021

By ECF

The Honorable Eric R. Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Aleksandr Zhukov
Criminal Docket No. 18-633 (S-1) (EK)

Dear Judge Komitee:

On August 16, 2021, the United States Probation Department disclosed its Presentence Investigation Report ("PSR") for the defendant in the above-captioned case. The government has reviewed the report and has no objections to the Guidelines calculation. The government notes the following corrections to the factual narrative.

- PSR page 3: The list of "Other Defendants" should include Mikhail Andreev, who is charged in the original indictment and remains a fugitive.
- PSR page 3: The government objects to the inclusion of uncharged third parties in the list of "Other Defendants"—specifically, the individuals designated as "Not prosecuted." These individuals are not defendants in any criminal case nor have they received non-prosecution agreements from the government.
- PSR page 12: The government requests that the section titled "The Defendant's Participation"—which precedes a series of paragraphs that recount the defendant's post-arrest statements—be retitled "The Defendant's Post-Arrest Statements." The defendant's post-arrest statements are both internally inconsistent and inconsistent with the defendant's testimony at trial. Moreover, they are inconsistent with the

proof at trial.¹ Accordingly, the government objects to the PSR crediting those statements as defining “The Defendant’s Participation,” and respectfully submits that the defendant’s participation in the offenses of conviction is accurately described elsewhere in the PSR and in the trial record.

Respectfully submitted,

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Senior USPO Jaime L. Turton (by email)

¹ For example, compare PSR ¶ 39 (defendant stating “that he was not part of ‘Metan,’ . . . [and] denied knowing anything about Metan”) with PSR ¶ 39 (he “then advised that he ‘maybe’ knew about Metan” and that “Timokhin, Novikov and Andreev were his ‘workers’”) and Trial Tr. 2814, 2817 (admitting that he closely supervised software development for Metan). Compare PSR ¶ 40 (stating that he “resold the servers and IP addresses to Roman Davydov” and “made about 5% commission”) with Trial Tr. 2680-83 (discussing own rental and use of servers) and Trial Tr. 2758 (admitting that he made 75% of the profits). Compare PSR ¶ 44 (stating that he “bought traffic from Davydov and Timokhin”) with Trial Tr. 2810-13 (admitting that he did not buy traffic but rather created it). Compare PSR ¶ 46 (claiming that “he never received CBC monitoring emails in his ibettters@me.com email account”) with GX 1750, 1752, 1753 (CBC monitoring emails sent to ibettters@me.com) and Trial Tr. 2835 (admitting that he was received CBC monitoring emails every hour).